

## APPENDIX 1

### INDEX OF ADDITIONAL DOCUMENTS INCLUDED IN THE SECTION 106 ADMINISTRATIVE RECORD

1. U.S. Environmental Protection Agency and Wisconsin Department of Natural Resources, Record of Decision for Operable Unit 1 and Operable Unit 2, Lower Fox River and Green Bay Superfund Site, dated December 20, 2002
2. U.S. Environmental Protection Agency and Wisconsin Department of Natural Resources, Record of Decision for Operable Unit 3, Operable Unit 4, and Operable Unit 5, Lower Fox River and Green Bay Superfund Site, dated June 30, 2003
3. U.S. Environmental Protection Agency and Wisconsin Department of Natural Resources, Record of Decision Amendment for Operable Unit 2 (Deposit DD), Operable Unit 3, Operable Unit 4, and Operable Unit 5, Lower Fox River and Green Bay Superfund Site, dated June 27, 2007
4. U.S. Fish and Wildlife Service, Injuries to Fishery Resources, Lower Fox River/Green Bay Natural Resource Damage Assessment, dated November 8, 1999
5. U.S. Fish and Wildlife Service, Injuries to Surface Water Resources, Lower Fox River/Green Bay Natural Resource Damage Assessment, dated November 8, 1999
6. U.S. Fish and Wildlife Service, Injuries to Avian Resources, Lower Fox River/Green Bay Natural Resource Damage Assessment, dated May 7, 1999
7. U.S. Fish and Wildlife Service, Fish Consumption Advisories in the Lower Fox River/Green Bay Assessment Area, dated November 24, 1998
8. U.S. Fish and Wildlife Service, PCB Pathways Determination for the Lower Fox River/Green Bay Natural Resource Damage Assessment, dated August 30, 1999
9. M.G. Barron et al., Association between PCBs, Liver Lesions, and Biomarker Responses in Adult Walleye (*Stizostedium vitreum vitreum*) Collected from Green Bay, Wisconsin, dated April 13, 1999
10. Wisconsin Department of Natural Resources, Lower Fox River and Green Bay PCB Fate and Transport Model Evaluation, Technical Memorandum 2d: Compilation and Estimation of Historical Discharges of Total Suspended Solids and Polychlorinated Biphenyls from Lower Fox River Point Sources, dated February 23, 1999
11. Geomega, Inc., An Evaluation of PCB Loading from the John Strange Paper Mill to the Lower Fox River, dated August 4, 2005
12. Environmental Resources Management, Arrowhead Park Landfill Evaluation – P.H. Glatfelter Company, Neenah, Wisconsin, April 1999

13. Environmental Resources Management, Mass Balance Report: Polychlorinated Biphenyls (PCBs) in P.H. Glatfelter's Bergstrom Mill Paper Production Cycle – Fox River, Wisconsin, dated July 2000
14. S. Kleinert, "Sources of Polychlorinated Biphenyls in Wisconsin," published in U.S. Environmental Protection Agency, Conference Proceedings: National Conference on Polychlorinated Biphenyls, pages 124-26, dated March 1976
15. P. Trout, "The View of the Paper Industry on the Occurrence of PCB's in the Environment and the Need for Regulation," published in U.S. Environmental Protection Agency, Conference Proceedings: National Conference on Polychlorinated Biphenyls, pages 359-361, dated March 1976
16. J. Harvey, "Statement Relating to Polychlorinated Biphenyls on Behalf of the Wisconsin Paper Council," published in U.S. Environmental Protection Agency, Conference Proceedings: National Conference on Polychlorinated Biphenyls, pages 362-64, dated March 1976
17. Institute of Paper Chemistry, Polychlorinated Biphenyls in Pulp and Paper Mills – Part II. Distribution and Removal, dated July 22, 1977
18. Institute of Paper Chemistry, Interlaboratory Study of the Determination of Polychlorinated Biphenyls in a Paper Mill Effluent, dated August 1979
19. Institute of Paper Chemistry, Determination of Polychlorinated Biphenyls in Paper Mill Effluents and Process Streams, dated March 1977
20. Response of Appleton Papers Inc. to USFWS CERCLA 104(e) Request for Information, dated May 6, 1996
21. Response of Appleton Papers Inc. to USFWS CERCLA 104(e) Request for Information, dated September 25, 1997
22. Response of Appleton Papers Inc. to USFWS CERCLA 104(e) Request for Information, dated October 16, 1997
23. Supplement to Response of Appleton Papers, Inc. to the USFWS CERCLA 104(e) Request for Information, dated September 14, 1998
24. Response of Appleton Papers Inc. to USFWS CERCLA 104(e) Request for Information, dated March 10, 1999
25. Response of Appleton Papers Inc. to USFWS CERCLA 104(e) Request for Information, dated April 5, 1999
26. Response of Appleton Papers Inc. to USFWS CERCLA 104(e) Request for Information, dated September 9, 1998
27. Response of Appleton Papers Inc. to USFWS CERCLA 104(e) Request for Information, dated September 14, 1998

28. Response of Appleton Papers Inc. to USFWS CERCLA 104(e) Request for Information, dated October 16, 1999
29. Response of Appleton Papers Inc. and NCR to USFWS CERCLA 104(e) Request for Information, dated August 21, 2000
30. Response of Fort Howard Corp. to USFWS CERCLA 104(e) Request for Information, dated May 3, 1996
31. Response of Fort Howard Corp. to USFWS CERCLA 104(e) Request for Information, dated September 12, 1997
32. Response of Fort James Corp. to USFWS CERCLA 104(e) Request for Information, dated September 11, 1998
33. Response of NCR Corp. to USFWS CERCLA 104(e) Request for Information, dated May 6, 1996
34. Response of NCR Corp. to USFWS CERCLA 104(e) Request for Information, dated August 29, 1997
35. Response of NCR Corp. to USFWS CERCLA 104(e) Request for Information, dated April 7, 1999
36. Response of NCR Corp. to USFWS CERCLA 104(e) Request for Information, dated April 12, 1999
37. Response of U.S. Paper Mills Corp. to USFWS CERCLA 104(e) Request for Information, dated May 6, 1996
38. Response of U.S. Paper Mills, Corp. to USFWS CERCLA 104(e) Request for Information, dated September 2, 1997
39. Response of U.S. Paper Mills Corp. to USFWS CERCLA 104(e) Request for Information, dated August 31, 1998
40. Supplemental Response of Sonoco-U.S. Mills Inc. to USFWS CERCLA 104(e) Request for Information, dated February 9, 2007
41. Response of Menasha Corp. to USFWS CERCLA 104(e) Request for Information, dated May 3, 1996
42. Response of Menasha Corp. to USFWS CERCLA 104(e) Request for Information, dated October 16, 1997
43. Response of P.H. Glatfelter Co. to USFWS CERCLA 104(e) Request for Information, dated May 2, 1996
44. Response of P.H. Glatfelter Co. to USFWS CERCLA 104(e) Request for Information, dated May 31, 1996

45. Response of P.H. Glatfelter Co. to USFWS CERCLA 104(e) Request for Information, dated August 28, 1997
46. Response of P.H. Glatfelter Co. to USFWS CERCLA 104(e) Request for Information, dated August 13, 1998
47. Exhibit 1, of Response of P.H. Glatfelter Co. to USFWS CERCLA 104(e) Request for Information, dated August 12, 1998
48. Exhibit 2, of Response of P.H. Glatfelter Co. to USFWS CERCLA 104(e) Request for Information, dated August 12, 1998
49. Response of Riverside Paper Co. to USFWS CERCLA 104(e) Request for Information, dated April 3, 1996
50. Response of Riverside Paper Co. to USFWS CERCLA 104(e) Request for Information, dated September 19, 1997
51. Response of Riverside Paper Co. to USFWS CERCLA 104(e) Request for Information, dated August 21, 1997
52. Response of Riverside Paper Co. to USFWS CERCLA 104(e) Request for Information, dated July 29, 1998
53. Response of Wisconsin Tissue Mills to USFWS CERCLA 104(e) Request for Information dated May 3, 1996
54. Response of Wisconsin Tissue Mills with exhibits to USFWS CERCLA 104(e) Request for Information, dated September 30, 1997
55. Response of Wisconsin Tissue Mills to USFWS CERCLA 104(e) Request for Information, dated October 6, 1997
56. Response of Wisconsin Tissue Mills with exhibits to USFWS CERCLA 104(e) Request for Information, dated October 9, 1998
57. Supplemental Response of Wisconsin Tissue Mills to USFWS CERCLA 104(e) Request for Information, dated October 6, 1997
58. Response of City of Appleton, WI to USFWS CERCLA 104(e) Request for Information, dated September 14, 1998
59. Response of City of Appleton, WI to USFWS CERCLA 104(e) Request for Information, dated August 26, 1997
60. Response of Neenah-Menasha Sewerage Commission and Cities of Neenah and Menasha, WI to USFWS CERCLA 104(e) Request for Information, dated September 29, 1997

61. Response of Neenah-Menasha Sewerage Commission and Cities of Neenah and Menasha, WI to USFWS CERCLA 104(e) Request for Information, dated November 20, 1998.
62. Response of City of De Pere, WI to USFWS CERCLA 104(e) Request for Information, dated July 28, 1998
63. Response of City of De Pere, WI to USFWS CERCLA 104(e) Request for Information, Request 5, dated July 28, 1998
64. Response of City of De Pere, WI to USFWS CERCLA 104(e) Request for Information, Request 6, dated July 28, 1998
65. Response of City of De Pere, WI to USFWS CERCLA 104(e) Request for Information, dated September 2, 1997
66. Response of Scherman Pulp & Paper to USFWS CERCLA 104(e) Request for Information, dated April 27, 1999
67. Response of Consolidated Fibers to USFWS CERCLA 104(e) Request for Information, dated April 28, 1999
68. Response of Pioneer Paper Stock Co. to USFWS CERCLA 104(e) Request for Information, dated April 28, 1999
69. Response of Panhandle Recycling to USFWS CERCLA 104(e) Request for Information, dated April 28, 1999
70. Response of Donco Paper Supply Co. to USFWS CERCLA 104(e) Request for Information, dated April 30, 1999
71. Response of FLOM Corp. to USFWS CERCLA 104(e) Request for Information, dated May 18, 1999
72. Response of Paper Recycling Inc. to USFWS CERCLA 104(e) Request for Information, dated May 19, 1999
73. Response of Batliner Paper Stock Co to USFWS CERCLA 104(e) Request for Information, dated May 26, 1999
74. Response of Continental Paper Grading Co. to USFWS CERCLA 104(e) Request for Information, dated May 28, 1999
75. Response of National Fiber Supply Co. to USFWS CERCLA 104(e) Request for Information, dated June 4, 1999
76. Response of Peltz Group Inc. to USFWS CERCLA 104(e) Request for Information, dated June 9, 1999
77. Response of Louis Padnos Iron & Metal Co. to USFWS CERCLA 104(e) Request for Information, dated June 7, 1999

78. Response of Golper Supply Co. to USFWS CERCLA 104(e) Request for Information, dated May 4, 1999

79. Response of Royal Paper Stock Co. to USFWS CERCLA 104(e) Request for Information, dated June 16, 1999

80. Response of Buffalo Paperboard Corp. to USFWS CERCLA 104(e) Request for Information, dated June 14, 1999

81. Response of IVEX Packaging Corp. to USFWS CERCLA 104(e) Request for Information, dated June 25, 1999

82. Response of Mead Corp. to USFWS CERCLA 104(e) Request for Information, dated June 25, 1999

83. Response of Jefferson Smurfit Corp. to USFWS CERCLA 104(e) Request for Information, dated June 18, 1999.

84. Response of 3M to USFWS CERCLA 104(e) Request for Information, dated June 28, 1999



**STATEMENT OF WORK  
FOR COMPLETION OF PHASE 2A OF THE REMEDIAL ACTION FOR  
OPERABLE UNITS 2, 3, 4 AND 5 AT THE  
LOWER FOX RIVER AND GREEN BAY SITE  
BROWN, OUTAGAMIE, AND WINNEBAGO COUNTIES, WISCONSIN**

**I. PURPOSE**

This Statement of Work for completion of Phase 2A of the remedial action (the "Phase 2A SOW") specifies requirements for performance of certain response activities relating to Operable Units ("OUs") 2, 3, 4 and 5 at the Lower Fox River and Green Bay Site (the "Site") between the Effective Date of the accompanying Administrative Order for Remedial Action (the "Order") and December 31, 2008.

The selected remedy for OUs 2-5 at the Site is set forth in two Records of Decision and a Record of Decision Amendment issued by the U.S. Environmental Protection Agency ("U.S. EPA") and the Wisconsin Department of Natural Resources ("WDNR"). The Record of Decision for OUs 1 and 2 at the Site was signed in December 2002 (the "2002 ROD"), and the original Record of Decision for OUs 3-5 at the Site was signed on June 30, 2003 (the "2003 ROD"). A Record of Decision Amendment, signed June 26, 2007 (the "2007 ROD Amendment"), modified certain aspects of the selected remedy for OUs 2-5. The 2002 ROD, the 2003 ROD, and the 2007 ROD Amendment are collectively referred to herein as the "RODs".

The remedial design for OUs 2-5 is being prepared under a separate Settlement Agreement and Administrative Order on Consent, captioned In re Lower Fox River and Green Bay Site, U.S. EPA Region 5, CERCLA Docket No. V-W-'04-G-781 (the "RD Settlement Agreement"). The remedial design work is continuing under the RD Settlement Agreement, so this Phase 2A SOW and the accompanying Order do not address remedial design requirements for OUs 2-5. However, in performing the work under the Order and this Phase 2A SOW, the Affected Respondents shall coordinate their activities with the activities being performed under the RD Settlement Agreement,

and all work to implement this Phase 2A SOW shall be consistent with all plans that are prepared and approved under the RD Settlement Agreement.

EPA and WDNR previously determined that the remedial action for OUs 2-5 should be conducted in two main phases to expedite the response in a particular area known as the "Phase 1 Project Area." The Phase 1 Project Area is just downstream from the De Pere dam, along the west bank of the Lower Fox River, near the City of Green Bay. Phase 1 of the remedial action addresses PCB-contaminated sediments in that area, which have especially high PCB concentrations. EPA and WDNR concluded that the accelerated removal of PCBs in that area would therefore have significant benefits to the environment and public health. Phase 1 of the remedial action is currently being implemented under a Consent Decree in the case captioned United States and the State of Wisconsin v. NCR Corporation and Sonoco-U.S. Mills, Inc. Case No. 06-C-484 (E.D. Wis.). All remaining elements of the remedial action in OUs 2-5 will be implemented in Phase 2.

The Statement of Work that accompanies the RD Settlement Agreement recognizes that many elements of the remedial action for OUs 2-5 will be designed in a traditional, stepwise fashion (i.e., through sequential development of a Preliminary Design, Intermediate Design, Pre-Final Design, and Final Design), but it also specifies that certain other elements of remedial action that require long lead time planning shall be designed on an expedited basis, as necessary to permit commencement of full-scale sediment remediation for Phase 2 of the OU 2-5 remedial action at the start of the 2009 construction season. A specific plan and schedule for designing all elements of the remedial action that require long lead time planning will be set forth in an RD Work Plan Addendum that is due to be submitted on December 31, 2007. That plan and schedule must be designed to permit commencement of full-scale sediment remediation for Phase 2 of the OU 2-5 remedial action at the start of the 2009 construction season, such that sediment remediation occurs throughout the 2009 construction season. Full-scale sediment remediation will then continue throughout subsequent years, until completion of construction of the OU 2-5 remedial action.

To adhere to that project schedule, the Affected Respondents will need to perform significant preparatory activities in 2008. EPA and WDNR have therefore determined that Phase 2 of the OU 2-5 remedial action should be subdivided and



staged as follows: (i) Phase 2A consists of work to be performed before the end of 2008, in preparation for the commencement and continuation of full-scale sediment remediation within OUs 2-5; (ii) Phase 2B comprises all remaining work to implement the OU 2-5 remedial action (such as the performance of full-scale sediment remediation in 2009 and subsequent years) and other related response activities (such as operation and maintenance and long-term monitoring activities). Section III of this Phase 2A SOW identifies the tasks that the Affected Respondents shall perform to implement the Phase 2A Work as required by Paragraph 46 and other corresponding provisions of the Order. Any and all remedial action work that is commenced under this Phase 2A SOW but not completed in Phase 2A shall be completed during Phase 2B pursuant to the Order and the separate Statement of Work for Phase 2B.

## **II. THE REMEDIAL ACTION**

The accompanying Order requires the Affected Respondents to implement all aspects of the remedy for OUs 2-5 as necessary to meet the Performance Standards and specifications set forth in the RODs, as summarized below.

**THE REMEDY IN OU2 (EXCLUDING DEPOSIT DD).** This portion of the remedy was unchanged by the 2007 ROD Amendment. The selected remedy is Monitored Natural Recovery ("MNR"). An institutional control plan and a long-term monitoring plan for PCB levels and possibly for mercury levels in water, sediment, and biota will be developed during the remedial design process, and the Affected Respondents will need to implement such institutional controls and long-term monitoring plans as part of the remedial action

**THE REMEDY IN OU2 (DEPOSIT DD), OU3, OU4, AND OU5 (RIVER MOUTH).** In these areas, the 2007 ROD Amendment adopted sediment dredging as the primary remedial approach for sediments exceeding the 1.0 ppm PCB Remedial Action Level ("RAL"), but permitted the use of other alternative remedial approaches (i.e., a combination of dredging and capping, capping alone, and/or placement of a sand cover) if certain performance standards specified by the 2007 ROD Amendment are met. The short-term and long-term objectives of the Amended Remedy include: removing and containing PCB-contaminated sediment in each OU to meet the RAL performance standard and/or the SWAC goal upon construction completion, as set forth in the 2007

ROD Amendment; achieving further reductions in PCB surface water and sediment concentrations through natural recovery processes; achieving corresponding reductions in PCB levels in the water column and in fish tissue; and ensuring improvement in PCB levels in surface water at the Site through long-term operation and maintenance and institutional controls. Pursuant to the accompanying Order, the Affected Respondents will need to perform all required sediment remediation in OUs 2-5 using the primary remedial approach and alternative remedial approaches in accordance with the RODs.

**THE REMEDY IN OU5 (EXCLUDING THE RIVER MOUTH).** This portion of the remedy was unchanged by the 2007 ROD Amendment. The selected remedy is MNR. An institutional control plan and a long-term monitoring plan for PCB levels and possibly for mercury levels in water, sediment, and biota will be developed during the remedial design process, and the Respondents will need to implement such institutional controls and long-term monitoring plans as part of the remedial action.

As discussed below, some aspects of the OU 2-5 remedial action shall be performed under this Phase 2A SOW and all other elements of the overall remedy will be performed under a separate Statement of Work for Phase 2B of the Remedial Action (the "Phase 2B SOW").

### **III. THE PHASE 2A WORK**

#### **A. Timing**

The Affected Respondents shall commence the work required by this Phase 2A SOW by no later than the Effective Date of the Order and shall continue such work through December 31, 2008 (the "Phase 2A Performance Period").

#### **B. Scope of the Phase 2A Work and the Phase 2A Work Plan**

This Phase 2A SOW requires the Affected Respondents to perform all preparatory activities and all other elements of the remedial action that need to be performed during the Phase 2A Performance Period in order to permit commencement of full-scale sediment remediation at the start of the 2009 construction season, such that sediment remediation occurs throughout the 2009 construction season (hereinafter the "Phase 2A Work").

The Affected Respondents shall prepare a work plan that establishes detailed plans and schedules for performance of all elements of the Phase 2A Work (hereinafter

the "Phase 2A Work Plan"), and shall submit that work plan to U.S. EPA and WDNR in accordance with Paragraph 49 of the Order and the schedule specified by Section IV of this Phase 2A SOW. The Phase 2A Work Plan shall include, but shall not be limited to, plans and schedules for:

- Taking all necessary steps during the Phase 2A Performance Period to procure required equipment (including entering into required contracts and making arrangements for timely delivery and installation), in order to ensure that such equipment will be available as needed for the Phase 2B Work, including:
  - Taking all necessary steps to procure any and all equipment that will be required for commencement of full-scale sediment remediation at the start of the 2009 construction season (such as any dewatering and water treatment equipment that would be used at the start of the 2009 construction season), to the extent that such equipment needs to be ordered and/or purchased during the Phase 2A Performance Period to ensure timely availability for Phase 2B;
  - Taking all necessary steps to procure any and all equipment that will be required for continuation of full-scale sediment remediation throughout the 2009 construction season and throughout subsequent years (such as any other dewatering and/or water treatment equipment that would be used later in the 2009 construction season or in 2010), to the extent that such equipment needs to be ordered and/or purchased during the Phase 2A Performance Period to ensure timely availability in Phase 2B;
- Securing on-shore staging areas and performing staging site preparation work and associated infrastructure construction (including entering into required contracts) in order to ensure that such staging areas will be ready as needed for the Phase 2B Work, including:
  - Securing and preparing any staging areas that will be used for full-scale sediment remediation at the start of the 2009 construction season;
  - Securing and preparing any staging areas that will be used for continuation of full-scale sediment remediation throughout the 2009 construction season and throughout subsequent years, to the extent that

such staging areas need to be prepared during the Phase 2A Performance Period to ensure timely availability in Phase 2B;

- Developing landfill facilities and/or procuring landfill space for disposal of sediment to be dredged under the RODs (including entering into required contracts), including:
  - Developing landfill facilities and/or procuring landfill space for disposal of all sediment to be dredged during the 2009 construction season;
  - Developing landfill facilities and/or procuring landfill space for disposal of sediment to be dredged subsequent years, to the extent that such disposal arrangements need to be made during the Phase 2A Performance Period to ensure timely disposal of dredged sediment in Phase 2B;
- Completing site surveys (including in-water and upland archaeological surveys in all pertinent areas near OUs 2-5); and
- Obtaining all access agreements required for performance of the Phase 2A Work, as described by Paragraph 71 of the Order.

The Phase 2A Work Plan shall also include a description of qualifications of key personnel performing the Phase 2A Work, including contractor personnel.

### **C. Other Phase 2A Work Requirements**

#### **1. Phase 2A Health and Safety Plan**

The Affected Respondents shall prepare a Health and Safety Plan for the Phase 2A Work, and shall submit that Plan to U.S. EPA and WDNR in accordance with Paragraph 49 of the Order and the schedule specified by Section IV of this Phase 2A SOW. The Plan shall be designed to protect on-site personnel and area residents from physical, chemical and all other hazards posed by activities conducted as part of the Phase 2A Work. The Affected Respondents shall perform the Phase 2A Work in accordance with the approved Phase 2A Health and Safety Plan.

#### **2. Phase 2A Contingency Plan**

The Affected Respondents shall prepare a Contingency Plan for the Phase 2A Work, and shall submit that Plan to U.S. EPA and WDNR in accordance with Paragraph 49 of the Order and the schedule specified by Section IV of this Phase 2A

SOW. The Plan shall describe procedures to be followed in the event of an accident or emergency related to the Phase 2A Work. The Plan shall include, at a minimum, the following: (i) the name of the person or entity responsible for responding in the event of an emergency incident; (ii) plans for meeting with the local community, including local, State and Federal agencies involved in the remedial action, as well as local emergency squads and hospitals; and (iii) first aid medical information. The Affected Respondents shall perform the Phase 2A Work in accordance with the approved Phase 2A Contingency Plan.

### **3. Phase 2A Construction Quality Assurance Project Plan**

The Affected Respondents shall prepare a Construction Quality Assurance Project Plan for the Phase 2A Work activities to be performed at the Site, and shall submit that Plan to U.S. EPA and WDNR in accordance with Paragraph 49 of the Order and the schedule specified by Section IV of this Phase 2A SOW. The Plan shall describe the site-specific components of the quality assurance program that the Affected Respondents shall use to ensure that the completed project meets or exceeds all design criteria, plans, and specifications. The Affected Respondents shall perform the Phase 2A Work in accordance with the approved Phase 2A Construction Quality Assurance Project Plan.

### **4. Site Surveys Report**

The Affected Respondents shall prepare a Site Surveys Report, and shall submit that report to U.S. EPA and WDNR in accordance with Paragraph 49 of the Order and the schedule specified by Section IV of this Phase 2A SOW. The Site Surveys Report shall provide a description of the results of the site surveys conducted under the Phase 2A Work Plan (including in-water and upland archaeological surveys in all pertinent areas near OUs 2-5) and a description of any required historic preservation measures.

### **5. Community Relations Support**

U.S. EPA shall implement a community relations program. The Affected Respondents shall cooperate with the U.S. EPA and at the request of U.S. EPA, shall participate in the preparation of appropriate information to be disseminated by U.S. EPA to the public. At the request of U.S. EPA, the Affected Respondents shall participate in public meetings that may be held or sponsored by U.S. EPA to explain activities at or concerning the Site.

Community relations support will be consistent with Superfund community relations policy, as stated in the "Guidance for Implementing the Superfund Program" and Community Relations in Superfund - A handbook.

**6. Progress Reports**

The Affected Respondents shall submit monthly progress reports on the Phase 2A Work pursuant to Paragraph 63 of the Order.

**D. Implementation of the Phase 2A Work**

The Affected Respondents shall implement the Phase 2A Work in accordance with the RODs, this Phase 2A SOW, and the plans and schedules contained in the approved Phase 2A Work Plan.

**IV. SUMMARY OF MAJOR MILESTONES AND DEADLINES**

A summary of certain major milestones for the Phase 2A Work is presented below. The Affected Respondents shall adhere to the following schedule unless it is modified in writing by U.S. EPA's Remedial Project Manager.



<u>Milestone</u>	<u>Schedule</u>	
Monthly Progress Reports	Due on a monthly basis, as described in the Order	
Draft Phase 2A Work Plan	Due by no later than December 31, 2007	
Final Phase 2A Work Plan	Due no later than 21 calendar days after receipt of U.S. EPA's comments on the Draft Phase 2A Work Plan	
Phase 2A Health and Safety Plan and Phase 2A Contingency Plan	Due no later than 45 calendar days after receipt of U.S. EPA's comments on the Draft Phase 2A Work Plan	
Site Surveys Report	Due by no later than November 30, 2008	
Performance of all other elements of the Phase 2A Work	Due to be performed in accordance with the schedule contained in the approved Phase 2A Work Plan	
End of the Phase 2A Performance Period	December 31, 2008	

**STATEMENT OF WORK  
FOR COMPLETION OF PHASE 2B OF THE REMEDIAL ACTION  
AND OTHER RELATED RESPONSE ACTIVITIES FOR  
OPERABLE UNITS 2, 3, 4 AND 5 AT THE  
LOWER FOX RIVER AND GREEN BAY SITE  
BROWN, OUTAGAMIE, AND WINNEBAGO COUNTIES, WISCONSIN**

**I. PURPOSE**

This Statement of Work for completion of Phase 2B of the remedial action and other related response activities (the "Phase 2B SOW") specifies requirements under the accompanying Administrative Order for Remedial Action (the "Order") for performance of certain response activities relating to Operable Units ("OUs") 2, 3, 4 and 5 at the Lower Fox River and Green Bay Site (the "Site") between August 15, 2008 and the completion of the work in OUs 2-5.

The selected remedy for OUs 2-5 at the Site is set forth in two Records of Decision and a Record of Decision Amendment issued by the U.S. Environmental Protection Agency ("U.S. EPA") and the Wisconsin Department of Natural Resources ("WDNR"). The Record of Decision for OUs 1 and 2 at the Site was signed in December 2002 (the "2002 ROD"), and the original Record of Decision for OUs 3-5 at the Site was signed on June 30, 2003 (the "2003 ROD"). A Record of Decision Amendment, signed June 26, 2007 (the "2007 ROD Amendment"), modified certain aspects of the selected remedy for OUs 2-5. The 2002 ROD, the 2003 ROD, and the 2007 ROD Amendment are collectively referred to herein as the "RODs".

The remedial design for OUs 2-5 is being prepared under a separate Settlement Agreement and Administrative Order on Consent, captioned In re Lower Fox River and Green Bay Site, U.S. EPA Region 5, CERCLA Docket No. V-W-'04-C-781 (the "RD Settlement Agreement"). The remedial design work is continuing under the RD Settlement Agreement, so this Phase 2B SOW and the accompanying Order do not address remedial design requirements for OUs 2-5. However, in performing the work

under the Order and this Phase 2B SOW, the Affected Respondents shall coordinate their activities with the activities being performed under the RD Settlement Agreement, and all work to implement this Phase 2B SOW shall be consistent with all plans that are prepared and approved under the RD Settlement Agreement.

EPA and WDNR previously determined that the remedial action for OUs 2-5 should be conducted in two main phases to expedite the response in a particular area known as the "Phase 1 Project Area." The Phase 1 Project Area is just downstream from the De Pere dam, along the west bank of the Lower Fox River, near the City of Green Bay. Phase 1 of the remedial action addresses PCB-contaminated sediments in that area, which have especially high PCB concentrations. EPA and WDNR concluded that the accelerated removal of PCBs in that area would therefore have significant benefits to the environment and public health. Phase 1 of the remedial action is currently being implemented under a Consent Decree in the case captioned United States and the State of Wisconsin v. NCR Corporation and Sonoco-U.S. Mills, Inc. Case No. 06-C-484 (E.D. Wis.). All remaining elements of the remedial action in OUs 2-5 will be implemented in Phase 2.

The Statement of Work that accompanies the RD Settlement Agreement recognizes that many elements of the remedial action for OUs 2-5 will be designed in a traditional, stepwise fashion (i.e., through sequential development of a Preliminary Design, Intermediate Design, Pre-Final Design, and Final Design), but it also specifies that certain other elements of remedial action that require long lead time planning shall be designed on an expedited basis, as necessary to permit commencement of full-scale sediment remediation for Phase 2 of the OU 2-5 remedial action at the start of the 2009 construction season. A specific plan and schedule for designing all elements of the remedial action that require long lead time planning will be set forth in an RD Work Plan Addendum that is due to be submitted on December 31, 2007. That plan and schedule must be designed to permit commencement of full-scale sediment remediation for Phase 2 of the OU 2-5 remedial action at the start of the 2009 construction season, such that sediment remediation occurs throughout the 2009 construction season. Full-scale sediment remediation will then continue throughout subsequent years, until completion of construction of the OU 2-5 remedial action.

To adhere to that project schedule, certain Affected Respondents will need to perform significant preparatory activities in 2008. EPA and WDNR have therefore determined that Phase 2 of the OU 2-5 remedial action should be subdivided and staged as follows: (i) Phase 2A consists of work to be performed before the end of 2008, in preparation for the commencement and continuation of full-scale sediment remediation within OUs 2-5; (ii) Phase 2B comprises all remaining work to implement the OU 2-5 remedial action (such as the performance of full-scale sediment remediation in 2009 and subsequent years) and other related response activities (such as operation and maintenance and long-term monitoring activities). Section III of this Phase 2B SOW identifies tasks that the Affected Respondents shall perform to implement the Phase 2B Work as required by Paragraph 47 and other corresponding provisions of the Order. Any and all remedial action work that is commenced under the separate Statement of Work for Phase 2A, but not completed in Phase 2A, shall be completed during Phase 2B pursuant to the Order and this Phase 2B SOW.

## **II. THE REMEDIAL ACTION**

The accompanying Order requires the Affected Respondents to implement all aspects of the remedy for OUs 2-5 as necessary to meet the Performance Standards and specifications set forth in the RODs, as summarized below.

**THE REMEDY IN OU2 (EXCLUDING DEPOSIT DD).** This portion of the remedy was unchanged by the 2007 ROD Amendment. The selected remedy is Monitored Natural Recovery ("MNR"). An institutional control plan and a long-term monitoring plan for PCB levels and possibly for mercury levels in water, sediment, and biota will be developed during the remedial design process, and the Affected Respondents will need to implement such institutional controls and long-term monitoring plans as part of the remedial action.

**THE REMEDY IN OU2 (DEPOSIT DD), OU3, OU4, AND OU5 (RIVER MOUTH).** In these areas, the 2007 ROD Amendment adopted sediment dredging as the primary remedial approach for sediments exceeding the 1.0 ppm PCB Remedial Action Level ("RAL"), but permitted the use of other alternative remedial approaches (i.e., a combination of dredging and capping, capping alone, and/or placement of a sand cover) if certain

performance standards specified by the 2007 ROD Amendment are met. The short-term and long-term objectives of the Amended Remedy include: removing and containing PCB-contaminated sediment in each OU to meet the RAL performance standard and/or the SWAC goal upon construction completion, as set forth in the 2007 ROD Amendment; achieving further reductions in PCB surface water and sediment concentrations through natural recovery processes; achieving corresponding reductions in PCB levels in the water column and in fish tissue; and ensuring improvement in PCB levels in surface water at the Site through long-term operation and maintenance and institutional controls. Pursuant to the accompanying Order, the Affected Respondents will need to perform all required sediment remediation in OUs 2-5 using the primary remedial approach and alternative remedial approaches in accordance with the RODs.

**THE REMEDY IN OU5 (EXCLUDING THE RIVER MOUTH).** This portion of the remedy was unchanged by the 2007 ROD Amendment. The selected remedy is MNR. An institutional control plan and a long-term monitoring plan for PCB levels and possibly for mercury levels in water, sediment, and biota will be developed during the remedial design process, and the Respondents will need to implement such institutional controls and long-term monitoring plans as part of the remedial action.

As discussed below, some aspects of the OU 2-5 remedial action will be performed under a separate Statement of Work for Phase 2A (the "Phase 2A SOW") and all other elements of the overall remedy will be performed under this Phase 2B SOW.

### **III. THE PHASE 2B WORK**

#### **A. Timing**

The Affected Respondents shall commence the work required by this Phase 2B SOW by no later than August 15, 2008 and shall continue such work until all requirements under the RODs have been met and the performance standards set forth in the RODs have been achieved. Among other things, the Affected Respondents will be required to prepare and submit a draft and final work plan for Phase 2B (hereinafter the "Phase 2B Work Plan") by December 15, 2008, and the Affected Respondents will need to implement the approved Phase 2B Work Plan and perform other aspects of

Phase 2B of the remedial action after the Phase 2A Performance Period ends on December 31, 2008.

**B. Scope of Phase 2B Work**

This Phase 2B SOW requires the Affected Respondents to: (i) prepare and submit a draft and final work plan for Phase 2B of the remedial action (the "Phase 2B Work Plan") and certain other plans in accordance with the schedule specified by Section IV of this Phase 2B SOW; (ii) continue and complete all preparatory activities and all other remedial action activities that were required to be commenced under the Phase 2A SOW, but that were not completed during Phase 2A, after the Phase 2A Performance Period ends on December 31, 2008; (iii) perform all remaining aspects of the remedial action for OUs 2-5 in accordance with the RODs, Phase 2B Work Plan, and this Phase 2B SOW; and (iv) perform all other response activities – such as operation and maintenance and long-term monitoring activities – specified by the RODs, the Phase 2B Work Plan, and all pertinent plans approved under the RD Settlement Agreement (hereinafter the "Phase 2B Work"). The Phase 2B Work shall include commencement of full-scale sediment remediation at the start of the 2009 construction season (such that sediment remediation occurs throughout the 2009 construction season), continuation of full-scale sediment remediation throughout subsequent years (until completion of construction of the OU 2-5 remedy), and performance of operation and maintenance and long-term monitoring activities (during and after construction of the remedy, as required by the RODs, the Phase 2B Work Plan, and all pertinent plans approved under the RD Settlement Agreement).

**C. The Phase 2B Work Plan**

The Affected Respondents shall prepare a Phase 2B Work Plan that establishes detailed plans and schedules for performance of all elements of the Phase 2B Work, and shall submit that work plan to U.S. EPA and WDNR in accordance with Paragraph 49 of the Order and the schedule specified by Section IV of this Phase 2B SOW. The Phase 2B Work Plan shall include, but shall not be limited to, plans and schedules for:

- Continuing and completing all preparatory activities and all other remedial action activities that were required to be commenced under the Phase 2A SOW,



but that were not completed during Phase 2A, after the Phase 2A Performance Period ends on December 31, 2008;

- Implementing all aspects of the approved Final Design prepared under the RD Settlement Agreement, including:
  - Providing an overall schedule for performing all aspects of the remedial action in OUs 2-5, with dates for major interim milestones and for completing construction of the remedy;
  - Providing detailed plans for performing the remedial action over multiple construction seasons, with dredging, capping, and cover target quantities broken out by season, OU, and OU sub-area (such as dredge management unit);
  - Providing a detailed description of sediment load out, transportation, and disposal plans; and
- Implementing all aspects of the approved Final Operation, Maintenance and Monitoring Plan and the approved Final Long-Term Monitoring Plan prepared under the RD Settlement Agreement.

The Phase 2B Work Plan shall also include a description of qualifications of key personnel performing the Phase 2B Work, including contractor personnel.

**D. Other Phase 2B Work Requirements**

**1. Phase 2B Health and Safety Plan**

The Affected Respondents shall prepare a Health and Safety Plan for the Phase 2B Work, and shall submit that Plan to U.S. EPA and WDNR in accordance with Paragraph 49 of the Order and the schedule specified by Section IV of this Phase 2B SOW. The Plan shall be designed to protect on-site personnel and area residents from physical, chemical and all other hazards posed by activities conducted as part of the Phase 2B Work, and shall cover health and safety matters not addressed by the Community Health and Safety Plan that will be prepared pursuant to the RD Settlement Agreement. The Affected Respondents shall perform the Phase 2B Work in accordance with the approved Phase 2B Health and Safety Plan.

**2. Financial Assurance**

By no later than January 15, 2009, the Affected Respondents shall comply with

the financial assurance requirements specified by Subparagraph 70.c of the Order.

### **3. Access Agreements**

By no later than January 15, 2009, the Affected Respondents shall obtain all access agreements required for performance of the Phase 2B Work, as described by Paragraph 71 of the Order.

### **4. Community Relations Support**

U.S. EPA shall implement a community relations program. The Affected Respondents shall cooperate with the U.S. EPA and at the request of U.S. EPA, shall participate in the preparation of appropriate information to be disseminated by U.S. EPA to the public. At the request of U.S. EPA, the Affected Respondents shall participate in public meetings that may be held or sponsored by U.S. EPA to explain activities at or concerning the Site.

Community relations support will be consistent with Superfund community relations policy, as stated in the "Guidance for Implementing the Superfund Program" and Community Relations in Superfund - A handbook.

### **5. Progress Reports**

The Affected Respondents shall submit monthly progress reports on the Phase 2B Work pursuant to Paragraph 60 of the Order. Upon request by U.S. EPA, the Affected Respondents shall also provide more frequent progress reports (e.g., daily and/or weekly reports on sediment remediation progress and production).

#### **E. Implementation of the Phase 2B Work**

The Affected Respondents shall implement the Phase 2B Work in accordance with the RODs, this Phase 2B SOW, and the plans and schedules contained in the approved Phase 2B Work Plan. The Affected Respondents also shall perform the Phase 2B Work in accordance with all pertinent plans approved under the Phase 2A SOW and the RD Settlement Agreement, including: (i) the Final Design; (ii) the Phase 2A Health and Safety Plan; (iii) the Phase 2A Contingency Plan; (iv) the Phase 2A Construction Quality Assurance Project Plan; (v) the Community Health and Safety Plan prepared under the RD Settlement Agreement; (vi) the Contingency Plan prepared under the RD Settlement Agreement; (vii) the Construction Quality Assurance Project Plan prepared under the RD Settlement Agreement; (viii) the Mitigation Plan prepared

under the RD Settlement Agreement; (ix) the Institutional Control Implementation and Assurance Plan; (x) the Sediment Removal Verification/Capping and Covering Plan; (xi) the Operation, Maintenance, and Monitoring Plan; and (xii) the Long-Term Monitoring Plan.

**IV. SUMMARY OF MAJOR MILESTONES AND DEADLINES**

A summary of major milestones for the Phase 2B Work is presented below. The Affected Respondents shall adhere to the following schedule unless it is modified in writing by U.S. EPA's Remedial Project Manager.

<u>Milestone</u>	<u>Schedule</u>
Monthly Progress Reports	Due on a monthly basis, as described in the Order
Draft Phase 2B Work Plan	Due by no later than October 1, 2008
Final Phase 2B Work Plan	Target Date: December 15, 2008  Due Date: Due no later than 30 calendar days after receipt of U.S. EPA's comments on the Draft Phase 2B Work Plan
Final Phase 2B Health and Safety Plan	Due by no later than December 15, 2008
Deadline for compliance with financial assurance requirements under Subparagraph 70.c of the Order	January 15, 2009
Deadline for obtaining access agreements under Paragraph 71 of the Order	January 15, 2009
Performance of all other elements of the Phase 2B Work	Due to be performed in accordance with the schedule contained in the approved Phase 2B Work Plan